

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

CASE NO. 50 2017 CA 011014 AN

NORTH PALM BEACH PROPERTIES, INC.,

Plaintiff,

vs.

RIVERSIDE APARTMENTS NPB, LLC,

Defendant.

FINAL DECLARATORY JUDGMENT

THIS CAUSE having come before the Court and the Court having reviewed the parties' pleadings, the court file, and being otherwise fully advised in the premises:

IT IS HEREBY ORDERED AND ADJUDGED as follows:

- (1) This Court has jurisdiction to issue a declaratory judgment.
- (2) This lawsuit was brought by the NPBP against Riverside to eject Riverside from the lands owned by NPBP which are adjacent to Riverside's property located at 761 Hummingbird Way, North Palm Beach, Florida and extends to the centerline of the C-17 Canal. ("Canal Property").
- (3) At the time this lawsuit was filed, NPBP was the lawful owner of the Canal Property.
- (4) The north property line of Lot 5 is the southerly boundary of the C-17 Canal which line is denoted on the Plat as a bold line.
- (5) Lot 5 does not include any property within Canal Property.
- (6) Lot 5 does not extend to the center line of the C-17 Canal.
- (7) The easement granted by NPBP to Central and Southern Florida Flood Control District was not an exclusive easement, but was limited to flood control, reclamation, conservation, water storage and allied purposes.
- (8) Riverside has no right to possess or use the Canal Property through prescriptive easement, adverse possession or any other legal theory.

(9) The submerged portion of the C-17 Canal is a man-made waterway and Riverside has no lawful claim for riparian rights.

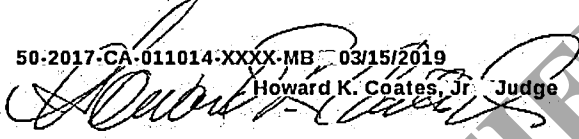
(10) There has been no dedication of the C-17 Canal to the public.

(11) All claims brought or which could have been brought in the above styled lawsuit by and between any of the parties to this lawsuit are dismissed with prejudice.

(12) Each party shall bear their own attorney's fees and costs and all pending motions are withdrawn.

(13) All claims brought or which could have been brought in the above styled lawsuit by and between any of the parties to this lawsuit are dismissed with prejudice.

DONE AND ORDERED in chambers, Delray Beach, Palm Beach County, Florida.

50-2017-CA-011014-XXXX-MB 03/15/2019

Howard K. Coates, Jr. Judge

50-2017-CA-011014-XXXX-MB 03/15/2019
Howard K. Coates, Jr.
Judge

FINAL DISPOSITION FORM

(Fla.R.Civ.P. Form 1.998)

**THE CLERK IS DIRECTED TO CLOSE THIS FILE
MEANS OF FINAL DISPOSITION**

Disposed by Judge

Copies to:

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